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OFFICE OF PETITIONS

In re Application of
Rubinstain, et al.
Application No. 10/797,937
Filed: 11 March, 2004
Attorney Docket No. 068758.0179

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ON PETITION

This is a decision on the renewed petition under ¶(a) of 37 C.F.R. §1.47, filed on 28 April, 2005

The petition is **GRANTED**.

BACKGROUND

The record indicates:

- the application was filed on 11 March, 2004, without, *inter alia*, a fully executed oath or declaration; and
- on 27 May, 2004, the Office mailed a Notice to File Missing Parts requiring that, *inter alia*, a fully signed oath/declaration (with surcharge) (or a petition under 37 C.F.R. §1.47 in its stead be filed as the reply);
- the original petition, filed on 8 November, 2004, by Petitioner Andreas H. Grubert (Limited Recognition Under 37 C.F.R. §10.9) was dismissed on 2 February, 2005, because—while it

provided an oath/declaration signed by the other co-inventors Messrs. Peleg, Alroy, Harpak and Porat for themselves and on behalf of Messrs. Avinoam Rubinstein (Mr. Rubinstein) and Yackov Sfadya (Mr. Sfadya), it failed to set forth within the petition the last known address of the non-signing inventors Mr. Rubinstein and Mr. Sfadya and fails to demonstrate transmittal of the entire application (description, claims, abstract, drawings) to Messrs. Rubinstein and Sfadya;

- the renewed petition, filed on 28 April, 2005, with a request and fee for extension of time provided further (a) the oath/declaration signed by Mr. Sfadya, and (b) evidence of both transmittal of the entire application (description, claims, drawings) to Mr. Rubinstein and diligent effort to ascertain and specify his last known valid/current address.

Thus, the prior-identified deficiencies have been cured.

Lastly, Petitioner has submitted a declaration in compliance with 37 C.F.R. §1.63 and §1.64 and Petitioner has shown that such action is necessary to prevent irreparable damage.

This application and papers have been reviewed and found in compliance with 37 C.F.R. §1.47(a).

This application hereby is **ACCORDED status under 37 C.F.R. §1.47(a).**

As provided under 37 C.F.R. §1.47(a), the Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition.

Notice of the filing of this application also will be published in the Official Gazette.

This file is being forwarded to OIPE for processing as necessary to reflect the instant decision, and then will be forwarded to Technology Center 3700 for further processing in due course.

Telephone inquiries concerning this decision may be directed to the undersigned at (703) 305-9199.



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Office of Petitions